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GENERAL ASSEMBLY
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and 113 of the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN RIGHTS
AND EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH
INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION ON
THE RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 2 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Sudan (including the persistence of the practice of slavery). I have underlined passages of special relevance.

* A/45/50.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104, 109 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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*** Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.**

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SUDAN

On June 30, 1989, in a bloodless coup d'etat, a group of brigadiers and colonels in the Sudanese People's Armed Forces (SPAF), led by Omar Hassan Ahmed al-Bashir, overthrew Sudan's 3-year-old democratic government, then headed by Prime Minister Sadiq al Mahdi. The new regime controls all the territory controlled by the Sadiq Government, but much of the south remains in the hands of the Sudanese People's Liberation Army/Movement (SPLA/M), led by John Garang. The coup leaders arrested over 300 leading figures (most of whom were freed by year's end), imposed a strict curfew, suspended Sudan's 1986 transitional constitution, abrogated press licenses, and dissolved all political and trade union institutions. The leaders then instituted a "National Salvation Revolutionary Command Council" (RCC) of 15 members, drawn exclusively from the military. The RCC justified the coup by condemning Sadiq's Government for corruption and ineffectiveness, especially in economic areas and in its failure to end the civil war with the SPLA/M.

The SPAF numbers about 75,000 men and is largely responsible for Sudan's internal and external security. Martial law has been in effect in government-controlled areas of the south for some time, and now extends to the north as well. A state of emergency (SOE) that permits various arbitrary government actions has been periodically renewed outside the south since 1985 and has been jointly enforced by the military, the police, and the Ministry of Interior.

Sudan's economy is primarily agricultural. Although the country is trying to diversify its cash crops, cotton and cottonseed still account for more than 50 percent of export earnings. The economy has been devastated by the expensive civil war (which costs perhaps $1 million per day), high inflation (100 percent in the first 6 months of 1989), high unemployment, up to 700,000 refugees from neighboring countries, and perhaps 3 million displaced persons among the Sudanese.

Many of the serious human rights violations previously noted in Sudan continued in 1989 under both the Sadiq and Omar Governments. The RCC abolished Sudan's largely free press, dissolved Sudanese labor organizations, and suspended legal due process by instituting arbitrary arrest, detention without charge, and trial of civilians by military courts. The continuation of Islamic law (Shari'a) throughout Sudan remained a major cause of southern disaffection, although the implementation of its more severe punishments has remained in abeyance since 1985.

Government forces and government-armed militias committed many human rights abuses, especially in the south, as did the SPLA/M (although reports from SPLA/M-controlled areas are more fragmentary). Military operations by both sides have left large areas of Sudan largely unpopulated and opened opportunities for banditry, especially along the Ugandan border. Few of the 3 million displaced persons (including 1 million near Khartoum) were resettled. Many still lack proper food, clothing, shelter, and medical care.

Both before and after the coup, the SPAF, its affiliated militias, and the SPLA/M interfered with relief efforts and attacked civilians. Various cease-fires were accepted but then broken by one party or the other throughout the year. At

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times, both sides adopted a more responsible policy toward the passage of relief supplies, but both sides also continued to block such supplies from time to time. In November the Government closed Sudanese air space to all relief flights, and the SPLA/M imposed a 72-hour advance notice requirement for relief flights. At year's end relief donors were apprehensive that the suffering of tens of thousands of civilians would continue and perhaps even worsen.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Government forces under both Sadiq and Omar were directly implicated in some instances of extrajudicial killing. In Meiram (Southern Kordofan) in April, soldiers beat to death a Dinka stopped at an army roadblock. Two of his companions were left bound for many hours and eventually had their arms amputated as a result. No charges were filed. In July a soldier in Omdurman shot a young boy who had apparently annoyed him selling cigarettes.

The Sadiq Government appeared to condone human rights abuses by the military. General Burma Nassir, reportedly the architect in the mid-1980s of the policy of arming the militias (which committed widespread human rights abuses), was appointed to high positions under Sadiq. Major General Abu Gurun similarly received career-enhancing promotions, although his tenure as commander in the Wau area was marked by abuses ranging from starvation to crucifixions.

Some actions by the Omar Government suggested a somewhat different attitude. General Burma Nassir was detained and Abu Gurun was forced to retire from government service. Soldiers recently accused of the revenge killings of 10-15 civilians and other atrocities in Wau were at least relieved, although not disciplined. The abolition of Sudan's formerly vigorous press hampered reporting of human rights abuses. Under the Sadiq Government, reports of extrajudicial killing appeared with some frequency in Sudanese newspapers.

b. Disappearance

Reports of disappearances were fragmentary, but numerous witnesses suggested that the army, security police, and militias in the Nuba Mountains region of Southern Kordofan were responsible for disappearances in 1989. One report alleged that Nuba tribesmen arrested for suspected SPLA/M affiliation were removed from holding areas and "disappeared," allegedly to provide space for new detainees. Tribal militias were also accused of abductions for forced labor and of practicing slavery, especially upon displaced Dinkas.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government and SPLA forces were accused of ill-treatment of civilians, (see Section 1.g.).

In 1983 under President Nimeiri, the Sudanese Government adopted a version of Shari'a (Islamic) law that prescribes harsh corporal punishments called "Hudud," also known as the

"September Laws." Similar provisions were proposed to the former constituent assembly in 1988 by Hassan al Turabi, Secretary General of the National Islamic Front (NIF), after the NIF's inclusion in the Government. The assembly set aside the proposal without rejecting it.

Hudud punishments include amputation, hanging, and beheading, and such sentences were handed down in 1989. As in 1988, however, no Hudud sentences were carried out under either the Sadiq or Omar Governments. Some 400 convicted prisoners still await execution of Hudud sentences. The Omar Government had not clarified its position on Hudud, and the SPLA/M strongly rejected suggestions of a national plebiscite on Shari'a. General Omar declared that the September Laws, which the SPLA/M strongly opposed and are a major barrier to peace, are negotiable, but the Government also reportedly recalled two architects of the September Laws to draft a new Islamic constitution.

By contrast, sentences of flogging were routinely passed and carried out before the coup. Reports indicated that the standard sentence for drinking alcohol was 40 lashes. Such punishments are often inflicted summarily. In August Khartoum police allegedly arrested two factory workers and a baker for curfew violations and immediately gave each 20 lashes.

Other reports since the coup suggest brutality by some soldiers, police, and security and prison officials. Boys selling items in the Khartoum markets were rounded up and beaten. Official sources acknowledged the floggings and roundups and promised closer supervision of the police. Although reported police brutality declined after this commitment was made, unnecessary harassment by security forces continued in 1989. There were also persistent reports of beatings and other forms of torture inflicted on detainees and others in government penal institutions.

d. Arbitrary Arrest, Detention, or Exile

Sudan's Criminal Code continued substantially unchanged in 1989. Arrests must be followed by a statement of charges within a prescribed time, and the accused is to be brought before a court within 48 hours of arrest, informed of the charges, and allowed legal counsel. Bail is permitted except in some capital cases. But the state of emergency and martial law after the coup permit the Government wide powers of arrest and preventive detention for an indefinite period. Although most prisoners were allowed visitors, there were a few reports of prisoners held incommunicado, mostly trade unionists and Communists considered by the authorities to be troublemakers.

Military authorities in southern and western areas may detain people without charge on suspicion of cooperation or sympathy with the rebellion. As the incident at Meiram indicates (Section 1.a.), this power is sometimes abused.

Under the Sadiq Government, there were few political prisoners in northern Sudan. Fifteen persons were arrested, however, in December 1988 following an alleged coup attempt. They included a number of top politicians and former military officers who allegedly supported former President Nimeri. They were subsequently released after the June 30 coup.

The situation with regard to political detainees/prisoners changed dramatically with the coup on June 30. The Omar

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Government suspended legal due process and declared a nationwide state of emergency (SOE) that gave the Government wide-ranging arbitrary powers. The Government initially detained without warrants more than 300 people, including many of Sudan's prominent political and academic figures. They were later joined by academics who had petitioned against the regime's actions and by about 60 judges. Many detainees, including Sadiq al Mahdi, remained confined without charge in Kobar and other prisons at the end of 1989. At least 35 trade unionists were transferred to Shala Prison in El Fasher, approximately 400 miles from Khartoum. In September several Communists were detained, allegedly for instigating a protest against the Government by students at Khartoum University.

When eight labor union leaders petitioned in August against the Omar Government's decree abolishing unions, they were also detained. Government officials later claimed that the unions had been a major source of Sudan's problems, and that the RCC would tolerate no challenge to its authority. These actions were condemned by other labor organizations, including the Organization of African Trade Union Unity and the American Federation of Labor and Congress of Industrial Organizations. When the doctors' union staged a nationwide strike in late November-early December, the Government detained about 30 physicians, at least one of whom was severely beaten. Several physicians were later tried, and two convicted, for "instigating discord and war against the State."

Conditions of imprisonment for the detainees in Kobar prison are relatively mild, and many were freed over the months following the coup. Sarra al-Fadil al-Mahdi, wife of Sadiq, was detained in September and confined under more rigorous conditions in Omdurman Women's Prison. Sadiq's other wife, Hafia Hussein Sherif, was also briefly detained but released. During this period the Government began to file charges, usually related to wrongful expenditure of public funds, against former officials of the Sadiq Government. Although summary arrest and detention procedures continued to be used, the Omar Government began to reconstruct a functioning if more politicized system of justice, and detentions on political grounds in northern Sudan became infrequent.

There were approximately 150 political detainees held without charge in Sudan at year's end.

There were no known cases of involuntary exile in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under the Sadiq Government, the Sudanese legal system was controlled by the transitional constitution of 1985 and Sudanese legal codes, including the penal code adopted in September 1983 (the September Laws). In addition, the SOE law of December 1987 gave authorities extensive emergency powers.

The legal system involved a variety of courts, including the Supreme Court, civil, criminal, and Shari'a (Islamic) courts. Abolition in 1986 of the executive power to form special state security courts ensured that the regular criminal courts would try all prisoners. Such proceedings involved extensive guarantees of due process, including arrest pursuant to a warrant, public trials before a three-judge panel, the right of defendants to speak and present evidence on their own behalf and to obtain counsel, and appeals through a series of

courts to the high court of appeals. Christian law graduates were and are required to pass a proficiency examination in Islamic law to practice law in Sudan. Tribal law continues to be important in rural areas, where disputes largely involve land, water, and family concerns. Courts also exist to monitor the activities of merchants and can impose prison sentences for fraud and operating without a business license.

Both the judicial system and the judiciary have changed since the coup. One of the RCC's first decrees on June 30 abolished the 1986 transitional constitution and transferred all power over Sudan's constitution and laws to the RCC. The same decree also provided that existing laws remained valid and that nonpolitical constitutional institutions continued, although they would be required to enforce any changes in the laws approved by the RCC. The RCC removed and detained some 60 judges, about one-tenth of the Sudanese bench. The judiciary was transferred to the Ministry of Justice, and the Chief Justice, formerly elected by sitting judges, was appointed by General Omar.

In place of the former system, a dual court structure based on three sources of law developed in 1989. Civilian courts continued to exist, albeit short of staff and less independent of the executive. Such courts continued to handle the large backlog of cases dating from before June 30. They applied the 1983 Criminal Code (the September Laws) to try ordinary criminal offenses, including theft and even some capital crimes; civil cases continued to be handled largely according to previous laws, generally derived from British colonial models. Other courts were established to monitor conformity with government-established prices for certain goods.

The RCC also established numerous special military tribunals, typically comprised of three field-grade officers. These courts were used extensively to try officials from the Sadiq Government. In each case, the defendants were charged with crimes against the 1983 Criminal Code, usually corruption. The defendants were allowed counsel of their choice. In the first such case, however, involving former Supreme Council member Idris al Banna, the defendant's attorney was not allowed to present a defense. Defendants subsequently were formally granted the right to counsel, and it was announced that Idris al Banna would be allowed to appeal the denial of effective counsel in his case. The trials were televised and open to the public.

The military courts also tried nonpolitical civilian defendants accused of offenses specified in the SOE. Such crimes included possession of hashish and currency-exchange violations. The military courts also try offenses against the decrees of the RCC, which, along with the 1983 Penal Code and the SOE law, comprise the current Sudanese criminal code. Sentences given convicted defendants, both political and nonpolitical, have been severe by Sudanese standards, including long prison terms and confiscation of property.

An RCC decree on June 30 allowed the seizure of land, money, or commodities for the public welfare without reimbursement and for the seizure of the property of businesses under suspicion of resisting the Omar Government (pending legal determination of the case). These decrees were used to enforce price controls.

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Late in 1989 the military courts, which tried a limited number of cases, were discontinued in favor of state security courts, each staffed by three civilian judges. Like the military tribunals, these courts constitute a separate group of security courts parallel to the regular criminal and civil system. They are intended to try persons accused of violations of constitutional decrees, emergency regulations, and some sections of the penal code, but defendants in these courts receive greater benefit from due process provisions than did those in the former military courts, including the assistance of counsel empowered to address the court and access to a court of appeals.

In November the Government created another new set of security courts. According to the Special Courts Act of November 29, the military governors of the regions and the commissioner of the national capital can form special courts with jurisdiction parallel to that of the state security courts. The special security courts can be formed of three military officers or any three competent persons, and those created had both military and civilian judges. Attorneys can sit with defendants as "friends of the court" and advise them, but cannot themselves address the court. Sentences given by the special security courts are to be implemented immediately, except that death sentences must be approved by the Chief Justice and the Head of State. Defendants can file appeal briefs with the Chief Justice. The Government referred most security cases to these courts, leaving the civilian state security courts largely without a docket.

The special security courts quickly became noted for their severe sentences. In December two defendants convicted of illegal possession of foreign currency and a third defendant convicted of currency smuggling were sentenced to death, as was a physician convicted of involvement in an illegal strike by doctors. Another physician involved in the strike was sentenced to 15 years in prison; two other physicians were acquitted. Despite international protests, on December 17 one of those convicted of currency violations was hanged, along with a drug trafficker convicted earlier.

In practice, the military courts and the succeeding special revolutionary courts applied a mix of precoup laws and postcoup decrees. The Attorney General's Office allegedly monitors the trials of political prisoners, but its influence is unclear.

The military courts convicted less than 100, perhaps even fewer than 50 defendants during their 3-month existence.

Large areas of the south are controlled by the SPLA/M. Reports indicated that a rudimentary system of justice based on village leaders was being used in some of these areas, and a similar system of justice was authorized by the Government late in 1989 for the war-torn province of South Kordofan. Under this system, a trusted village elder is appointed to adjudicate disputes, as well as to collect taxes and recruit soldiers and labor for the SPLA/M. SPLA offenders can be tried and have reportedly been severely punished. Other portions of these areas are outside effective judicial procedures, and those accused are often not provided recognizable due process. Some reports suggest that army units summarily try and punish those accused of crimes, especially offenses against civil order.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government surveillance in Sudan, outside the combat zones, was rare before the coup. After June 30, security agencies considerably expanded both the scope and intensity of their activities throughout Sudan. Reports were received of petty harassment of civilians and surveillance of church services by security officers. After their release from detention in December, leading political figures Mohamed Osman al Mirghani and Hassan al Turabi were confined to house arrest, their families were kept under surveillance, and all visitors other than family were required to obtain government permission. Complaints about searches of homes without warrants also increased. In one case, armed police or soldiers without warrants reportedly entered homes in the Khartoum area occupied by displaced persons from southern Sudan. They allegedly confiscated equipment used for home brewing (a traditional if illegal moneymaking sideline for southern Sudanese women), marked the homes with red paint, and forbade the families to reenter them.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Both government forces and government-affiliated militias as well as the SPLA/M used excessive force and acted contrary to humanitarian law. Allegations of chemical weapons use by the SPAF, however, appeared unfounded.

In January witnesses reported that in Allubi (Southern Kordofan) in December 1988 some 150 SPAF soldiers and 5 officers engaged in a spree of looting, rape, and torture of civilians. Other reports suggested similar activities by the SPAF in the area of Tira El Akhdar that resulted in the burning of seven villages and the killing of eight villagers. Other reports of such activities, including in the west, were received following the coup. In several cases, army units reacted to perceived SPLA/M attacks by ferociously attacking the Dinka sections of nearby towns, killing substantial numbers of villagers. In one case, the unit commander reportedly was transferred, but no reports were received of disciplinary action against the soldiers who committed the atrocities. Government forces in Malakal forbade civilians to leave the town with enough rations to return to their villages and plant crops, effectively making the civilians prisoners in the town. East of Wau, the SPAF reportedly established a "free-fire zone" to discourage settlement. Army officers have also admitted rape and theft of relief supplies by soldiers in southern garrisons.

A particularly notable violation of humanitarian law occurred in the eastern Equatoria town of Torit, a center for relief activities. On June 1 an SPAF bomber appeared over the airport at Torit, which had recently been occupied by the SPLA/M. The plane made two runs on the airport, dropping several large bombs that narrowly missed a German Air Force transport, loaned to a relief agency and appropriately marked. Representatives of several donor nations protested the attack, which also caused a temporary suspension of German airborne relief in the area. A similar bombing was reported at about the same time on a village near Torit, resulting in several wounded civilians. After the fall of Kurmuk to the SPLA/M in October, SPAF planes bombed the SPLA-held towns of Yirol and Waat. The attack on Yirol killed 4 civilians and

wounded 10, and bombs narrowly missed a clearly marked ICRC hospital. The Government subsequently denied responsibility for these two incidents.

Information on SPLA/M violations of humanitarianm law has been more difficult to obtain. SPLA/M forces, however, reportedly raped displaced persons fleeing besieged towns and were accused of planting land mines indiscriminately in the war zone. There are reports that during the siege of Juba the SPLA fired rockets into the town on several occasions. These attacks reportedly killed more than 20 people, most of them women and children. In the Juba area, the SPLA also stole relief food from the inhabitants. When the SPLA/M took the town of Torit in February, SPLA fighters reportedly pillaged, raped, and killed civilians there. In late December, a relief plane of the French organization Medicins Sans Frontieres was shot down while taking off from the government-held town of Aweil. The Government stated that the SPLA/M was responsible, but there was no independent confirmation of that claim.

Government forces and government-armed militias were accused of attacking groups fleeing the widening area of the conflict, preventing civilians from growing their own food through indiscriminate planting of land mines, and confiscating relief supplies intended for civilians for sale on the black market. The government-armed tribal militias (especially members of the Misseriyyah, Fertit, Taposa, and Ruzeigat tribes) made many attacks on their longstanding tribal opponents, particularly the Dinka, the most important source of support for the SPLA/M. In late December, Arab militia of the Sabha tribe killed over 200 Shilluk tribesmen in El Jebelein in reprisal for the murder of an Arab landowner. The Government announced several arrests and an investigation of the incident. Militia activity was especially vicious in the Nuba Mountains region of Southern Kordofan. The Sadiq Government routinely ignored abuses of human rights by the militias. In July the Omar Government brokered a settlement in El Fasher that reduced strife between the Fur tribe and government-armed groups that had been attacking the Fur.

However, the Omar Government was not able to disarm the militias, which also received weapons through neighboring states, including Chad. In November a government decree establishing "Popular Defense Forces" substantially implemented a controversial proposal, initially made under the Sadiq government by the National Islamic Front and parts of the Umma party, to legitimate the militias. Government control over the militias remained limited in 1989, although the decree suggested means for closer government supervision. A portion of one militia group, the Anyanya II, turned against the Government and now supports the SPLA/M; another faction remained loyal to the Government. In one case, the portion of the Anyanya II militia loyal to the Government reportedly visited villages near Abyei and engaged repeatedly in pillage, torture, killing, and rape of civilians who they alleged were SPLA/M supporters. Instances of enslavement of displaced persons and refugees were also reported (see Section 5). One observer found these areas ruled by "the law of the gun." Despite these limitations of control, the Government's historic policy of providing weapons to the militias and failing to investigate or punish atrocities committed by them associates the Government with the militias' actions. The SPLA/M also reportedly armed tribal militias in the Nuba area, although on a smaller scale.

Both sides in the civil war took prisoners, although the SPAF reportedly held only SPLA/M officers. The ICRC was able to visit 8 SPLA/M prisoners held by the Government and 150 government prisoners held by the SPLA/M. The total number of prisoners visited is only a small number of the prisoners held by both sides.

Both sides interfered with relief operations in 1989. Before the coup, Prime Minister Sadiq al Mahdi acknowledged the unauthorized distribution of relief supplies by a local official from stocks at Aweil. The SPLA/M reportedly attacked some relief convoys moving through SPLA/M-controlled territory. Other convoys were held up by negotiations between the Government and the SPLA/M over the proportion of supplies to be left in SPLA/M hands. Heavy mining on some southern roads greatly obstructed movement of relief convoys by land. Civilians suffered from mistreatment by some local townspeople, attacks by armed militias, occasional military harassment of relief workers, and lack of humanitarian assistance from the army and SPLA/M themselves. Movement of food supplies by land to Juba, the largest town in the south, was blocked by the SPLA/M, forcing the 300,000 residents to rely on the uncertainties of airlift.

While civilian deaths in the civil war and tribal fighting were again high in 1989, interference or failure of both sides in the civil war to cooperate with food relief efforts and the subsequent closure of airspace to relief flights, government corruption and inefficiency, and lack of medical treatment continued to be the major causes of death in the areas affected by the civil war in 1989. Overall in 1989 there were fewer deaths than in 1988, due in part to massive humanitarian efforts and intermittent cooperation. This improvement was threatened in November by the Government's closure of Sudanese air space to relief flights following the fall of Kurmuk, to which the SPLA/M responded by imposing a 72-hour notification rule for flights over SPLA/M-held territory.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Sadiq Government, Sudanese citizens had substantial freedom of speech and press, at least outside the war-torn southern areas. Parliamentary debate was free and criticism of the Government intense. Print media were lively and expressed a wide variety of Sudanese opinion. Political parties published their own newspapers, and independent journals presented a full range of opinions. Human rights abuses were often, if not always reliably, reported on, especially by English-language newspapers. Radio, television, and the Sudanese News Agency (SUNA) were under government control and tended to reflect government policies. Academic freedom was generally respected, and student groups held free elections for their leaders.

Despite this substantial freedom of the press, there were limitations. In early 1989 the Sadiq Government fired the SUNA management, reportedly for not being sufficiently Islamic in their reporting. At the same time, the Cabinet began reconsideration of a new press law that would have imposed substantial limits on reporting, including banning attacks on religions and on Sudan's foreign policy. In March the Sadiq Government used the SOE law to arrest the editor of a biweekly newspaper, producing a protest from the Sudanese Journalists Association.

The coup on June 30 radically changed this situation. Public expression of opposition viewpoints was banned; the broadcast media were tightly controlled; and licenses for all nongovernment publications were cancelled. For some time the only internal news sources were the SPAF organ Armed Forces, SUNA, and radio and television--all government controlled. In August the Omar Government authorized a second daily newspaper, Modern Sudan. In September a third journal, National Salvation, appeared. Modern Sudan and National Salvation became the general daily papers, and Armed Forces returned to its previous situation as an irregularly published organ for the armed forces. All three journals reflect government views and are in Arabic only. Also in September Sudanow, an English-language government magazine, reappeared in a limited press run.

Although a new press law under discussion could permit independent publications in the future, early return to the previous conditions of press freedom is unlikely.

Academic freedom in Sudan has generally been respected, but many university professors felt less secure after the coup. A few professors and other leading intellectuals were detained or taken in for questioning, although most were soon released. An early decree of the RCC forbade universities to shut down in protest.

b. Freedom of Peaceful Assembly and Association

Despite the banning of demonstrations under the SOE law by the Sadiq Government, protests and marches periodically occurred. The National Islamic Front (NIF) held numerous demonstrations against the Sadiq Government in April, some of which became violent. The SOE and banning of political activity decreed on June 30 effectively eliminated the right to protest, and a large student demonstration at the University of Khartoum December 6 was firmly controlled by police forces, killing two students.

Before the coup, Sudan had many political organizations and parties. Professional and business associations met regularly. They were routinely given the required permits and licenses, and, outside the war zones in the south and west, the Government usually did not become involved in their proceedings.

On June 30, the RCC decreed that the registrations of all nonreligious groups were canceled, and the groups were effectively disbanded. In September the Government put forward a program for reregistration of voluntary organizations. As long as political activity remains banned, it is unlikely that such organizations, even if reregistered, would play the active role in politics that some did before the coup.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Sudan is a multireligious country in both fact and law. Islam and Christianity have both been formally recognized as religions of Sudan, but adherents of other beliefs are not legally restricted. Muslims are a majority in the five northern regions and the capital, although the presence in

these areas of over 3 million displaced persons from the south (an area predominantly Christian and animist) is affecting this balance. Foreign clergy may enter Sudan with certain restrictions. They are most likely to be admitted if they have certain technical skills, such as publishing, that are difficult to obtain in Sudan; clergy without special skills are less likely to be admitted. In general, clergy are admitted to serve their own religious communities. Proselytizing by Muslims is allowed, as is proselytizing by Christians of non-Muslims; but proselytizing of Muslims is discouraged and can provoke reactions. Religious believers are free to engage in religious education and to participate in religiously related charitable activities.

Despite these provisions, Islam has traditionally been favored by the Government. Under the Foreign Missionary Society Act of 1962, public Christian religious activity is subject to close government supervision. Among other provisions, the Act forbids the construction of churches without government permits, which have not been issued for more than 10 years. The Sudan Catholic Bishops' Conference and the Sudan Council of Churches both protested in 1989 against the Act, whose broad provisions were often capriciously interpreted by local officials.

Several incidents exacerbated sectarian tensions in 1989. Before the coup, government officials in the south reportedly seized property belonging to Christian churches, refused to return it, and threatened those who protested the seizure. In April the NIF, then in opposition, called for a "holy war" against the Government and its supporters. Local groups inspired by this appeal apparently interpreted it as an incitement to attack Christian establishments. In the last 2 weeks of April, attacks were made against Christian churches, centers, and schools in En Nahud (Northern Kordofan Province), Port Sudan (Red Sea), El Kamlin (El Gezira), and two establishments in Omdurman. In one of the Omdurman incidents, a charity center operated by the Sisters of Mother Teresa of Calcutta was attacked by a mob incited by the imam of a nearby mosque. One of the nuns was severely beaten and the center was stoned. The imam was arrested and sentenced to 2 months in jail for disturbing the peace. In En Nahud, a Catholic Church compound was invaded by a mob of NIF supporters, who looted and ransacked the nuns' quarters and the parish offices. No one was reported arrested for this attack. The Sadiq Government discouraged participation in the NIF-led demonstrations but did not use its emergency powers to ban them.

In another incident, a Catholic catechist was reportedly jailed and robbed by security forces in El Daein in Southern Darfur. Personal papers he was carrying were also allegedly destroyed, and one of the officers reportedly demanded that he say Muslim prayers in order to be freed, which he refused to do. After holding him for 11 days in custody without charge, they released him at Umm Ruwaba in Northern Kordofan. No reports were received of disciplinary actions against the security officials involved.

When the SPLA/M captured Torit in February, its fighters reportedly ransacked the home of Archbishop Paride Taban, taking religious articles, vestments, books, and other property. They also took the Archbishop and three Catholic priests into custody and held them incommunicado for 2

months. After international protests to the SPLA/M, they were released in mid-May.

The coup on June 30 did not substantially affect religious activities in Sudan. Religious organizations continued to function essentially as before, and the decree revoking the registration of other voluntary organizations exempted religious bodies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Sudan is hampered by the civil war, a very limited transportation infrastructure, and government restrictions. Exit visas are required to leave Sudan, a requirement that has been used to restrict travel abroad. A married Sudanese woman must have the permission of her husband or another male relative to travel abroad, and regulations specify that unmarried Sudanese women must travel with a family member or other sponsor. The travel restrictions for women were generally ignored before the coup, but after June 30 they were increasingly strictly enforced. Reports were received of several women refused permission to board at Khartoum airport because security officials did not believe they had the required permission or escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and register again at the new location within 3 days of arrival.

After the coup, the Omar Government imposed additional travel restrictions. A curfew was instituted in much of Sudan, and suspected curfew violators are subject to detention or summary floggings. Initially the Omar Government heavily restricted travel abroad by Sudanese, and immediately after the coup closed the Khartoum airport except for travel to Mecca in Saudi Arabia by Muslim pilgrims. A government spokesman stated in August that travel abroad (other than to Egypt) for medical treatment was forbidden, explaining these measures as necessary for improving production in Sudan. In practice, Sudanese have experienced little difficulty in leaving the country since the coup. Although Sudanese could move about the country freely both before and after the coup, the Omar Government tightened travel restrictions on foreigners (especially diplomats), principally by requiring travel permits that are sometimes difficult to obtain. These restrictions sometimes hampered relief efforts.

The situation of displaced persons and refugees improved in 1989 by comparison with 1988. Natural catastrophes were less severe, and under the umbrella of Operation Lifeline Sudan relief supplies moved more easily than in 1988. Although mass resettlement plans for the summer of 1989 were not carried out, some forced resettlement reportedly occurred in the Khartoum area in November and December, as well as in areas affected by the civil war. The SPAF reportedly forced farmers south of Kadugli to move from their villages, causing a major influx of families into the town of Kadugli. Reports of widespread starvation declined, but refugees and displaced persons continued to lack medicines and other necessities.

Overall, Sudan's inability to resolve the civil war left the number of displaced persons at about the 1989 level of some 3 million. Many of these people were concentrated in shantytowns and squatter huts in and around Khartoum.

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Sudan's foreign refugee population (largely composed of Ethiopians, Ugandans, and Chadians) was about 700,000. Sudan has not forced the repatriation of refugees and has generally accorded good treatment to refugees, although years of influx have nearly exhausted the meager available resources for refugees. Administrative problems halted almost all resettlement of refugees to third countries from May 1988 to April 1989, but the Omar Government seemed to have corrected these problems by the end of 1989.

Large numbers of refugees have settled in the cities, especially the capital area. Refugees are restricted in their freedom to travel and own property, as are most non-Sudanese. They also are not permitted to become resident aliens or citizens of Sudan, regardless of the length of their stay.

An exception to the generally good treatment of refugees in Sudan was the situation of Falashas (Ethiopian Jews) in Umrakoba Camp. This group of 54 has been sequestered since 1984, has often been denied access to United Nations High Commissioner for Refugees (UNHCR) protection officers, and receives minimal support from the Sudanese Government, which runs the camp. They are denied permission to travel and isolated from the general population of the camp, and they reportedly do not receive adequate health care.

Urban refugees face considerable problems. Reports of harassment and petty thievery by police against refugees, beatings for minor infractions of the law, administrative obstruction and delays, and the need for small bribes to obtain everything from work permits to food-ration cards are common in urban areas. Refugees seldom have recourse to the legal system when attacked by policemen. The UNHCR Protection Officer reported that one group of refugees was imprisoned without charge when found at the scene of a murder. Although the murderer was promptly identified as Sudanese, the refugees remained in prison for 8 weeks.

The Omar Government did not change the policy of the Sadiq Government, instituted in 1987, of accepting genuine political refugees but refusing refugees from famine.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

At the end of 1989, a military regime ruled, and the people of Sudan had neither the right nor the ability peacefully to change their government. A government spokesmen declared that this situation will not change soon. In September the RCC issued its "Third Constitutional Decree" establishing a new governmental system for Sudan. It featured a head of state (General Omar) with sovereign powers. The all-military RCC continued as the legislative authority. A cabinet was established consisting of a prime minister and other ministers, all appointed by the RCC. The Cabinet was given essentially administrative authority subject to the Head of State and the RCC. The courts were brought under the Head of State's supervision, and courts were specifically forbidden to review acts of the RCC or the Head of State.

Under the Sadiq Government, Sudan had a multiparty parliamentary system that guaranteed the right of citizens to change their government. The system did not extend to large parts of the south, where the civil war prevented the holding of elections in 1986 in about half the electoral districts in

southern Sudan, leaving empty 41 of the 301 seats in the constituent assembly. The democratic Government could not end the civil war as it was repeatedly deadlocked on the political/religious issue of the constitutional basis of government. A strict Islamic-based criminal code including Hudud punishments was proposed in 1988 but never passed, although the Shari'a-based provisions of the September Laws were never repealed and constituted a major issue in the civil war. The Sadiq Government was never able to meet its goal of holding a national constitutional conference.

When they assumed power on June 30, the military leaders justified their action largely by citing the ineffectiveness of the democratic government. Claiming sectarian bickering as harmful to Sudan, they abolished all political parties, seized (and later distributed) the parties' assets, and detained (albeit in relatively mild conditions) the leaders of many precoup parties. RCC decrees banned all political activity and political parties. Under both the Sadiq and Omar Governments, local and provincial officials were appointed by the authorities in the capital. Most local officials appointed after the coup were military officers.

The military Government publicly assigned a high priority to ending the civil war. However, by the end of 1989 there had been very little movement. John Garang, the leader of the SPLA, has called for a "restructured, unified Sudan, a multinationality country."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has traditionally been acutely sensitive to local or foreign criticism of its human rights performance. Several international human rights groups work actively in Sudan. General Omar also invited a group of Western ambassadors to examine the conditions of detention for political detainees in Kobar prison, and the visit took place on August 12. In September the Dinka intellectual, Francis Deng, who is based in Washington, was also permitted to see many political detainees in Kobar, including Sadiq al Mahdi, Mohamed Osman Mirghani, and Hassan al Turabi.

Local human rights activists in Sudan have complained of being regarded as subversive, and many reportedly were called in for questioning by security officials both before and after the coup. Neither the Sadiq nor the Omar Government instituted any public investigations of alleged human rights abuses in 1989. In late November, however, the Government received a delegation from Amnesty International to discuss detention without trial and other human rights concerns.

Until June 30, Sudan had several active organizations monitoring human rights in the country, including the Sudan Human Rights Association (SHRA), the Sudan Bar Association (SBA), and the Sudan Catholic Bishops' Conference. Neither of the first two produced in 1989 detailed studies of human rights abuses in Sudan, and their status since the coup is uncertain. The Bishops' Conference still exists and actively monitors human rights concerns; its bimonthly newsletter publicizes violations of human rights, especially those involving religious discrimination. In late 1989, both the Bishops' Conference and the Sudan Council of Churches drafted public letters protesting religious discrimination.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sudan's population of 24.5 million (1989) is a multiethnic mix of over 500 Arab and African tribes, with scores of languages and dialects. In general, Sudan is composed primarily of two cultures--Arab in the north and central areas and black African in the south. Sudanese governments have historically been dominated by northern Muslims (about 16 million). Some southern tribal groups, especially non-Arabs and non-Muslims, have demanded greater economic and political power and greater recognition of Sudan's cultural diversity.

Discrimination in the north by the Muslim Arab majority against displaced persons from the south is common, and many reports were received in the past of attacks by Arab tribes in the south against non-Arab southerners, especially members of the Dinka tribe. Residents of Arabic-speaking areas who do not themselves speak Arabic are discriminated against in education, jobs, and other opportunities. University of Khartoum entrance examinations also favor Arabic speakers. Widespread popular attitudes in these areas also stereotype dark-skinned non-Arab southerners as inferior and lazy, leading to much informal discrimination against them.

Sudanese laws continue to favor men, and men and women traditionally have segregated roles. Islamic laws of inheritance award additional property to men, while concurrently assigning them the duty of caring for their extended families. Although education is freely open to both sexes and many women obtain university education, women traditionally receive less education and have fewer opportunities than do men. Some women, however, have been active in the professions, the media, education, and politics, and at least one female presides over a court. Although not numerous, women are found in both the police and the military. Labor laws allegedly do not adequately protect the self-employed, the bulk of the female work force. However, one of the relatively few women's rights activists in Sudan noted at an international conference in 1989 that Sudanese women often did not avail themselves of the rights and opportunities available to them, including access to the court system.

Female genital mutilation (circumcision) is prevalent in Sudan. Reports indicate that this practice, although officially illegal, is very widespread, especially in the north. Some reports suggest that over 90 percent of northern women have been circumcised, with consequences that include severe urinary problems, infections, and even death. The so-called Pharaonic circumcision, the most severe of the three forms of circumcision, is the most common and is usually performed between the ages of 4 and 7 years. Few physicians will perform the operation, which is most often done by paramedical personnel in improvised, often unsanitary conditions. The operation reportedly is expensive--approximately $111 at the legal exchange rate--for a 10-minute procedure. Southern women displaced to the north are increasingly visiting circumcision on their daughters, even if they themselves are not circumcised.

Women refugees are particularly vulnerable to harassment and sexual abuse. Sexual favors are reportedly demanded of them by some Sudanese officials in exchange for performance of official duties. Stories of rape of women refugees by

policemen are common, and women refugees without a male provider are sometimes forced into prostitution to earn a living.

Among certain southern tribes, forcible sexual intercourse is common. No blame attaches to the practice, although the man involved must pay a price (often in livestock) to the woman's family if she becomes pregnant. In the same area, wives are often received on a trial basis lasting up to 4 years. The husband may dissolve the marriage during this time by returning the wife to her family, although he must pay a price for each child born during this time. Returned wives are reportedly often able to contract further marriages and are not stigmatized by having been returned.

The extent to which wife beating occurs is unknown; it is not discussed as a public issue, and police do not normally intervene in domestic disputes. There were no known reports of wife beating in 1989, and no court cases involving either circumcision or violence against women. However, for a variety of reasons, many women would be reluctant to file a formal complaint of such abuse.

Section 6 Worker Rights

a. The Right of Association

Sudan had a strong labor union movement during the period of the Sadiq government. Prominent labor organizations included the Sudanese Workers Trade Union Federation (SWTUF), which represented blue-collar workers, the white-collar Sudanese Employees and Clerks Federation (SFETU), the Sudanese Teachers Federation, and a number of professional associations. Sudanese unions lobbied actively and participated in international, African, and Arab labor organizations. Except for some government employees, strikes were legally permissible after exhausting other measures to resolve disputes. Technically illegal strikes were common and usually tolerated.

The RCC's constitutional decree number 1 of June 30 abolished all labor unions and forbade strikes. Labor union offices were closed, and union assets were frozen. Many (probably over 100) union officials, especially those active in political parties, were detained or placed under house arrest between July and September, some for protesting the Government's action. Many were quickly released, but at least 35 union officials remained imprisoned in Shala Prison in late 1989, and others were detained elsewhere. In September General Omar announced the legalization of preliminary committees to manage union affairs, pending the drafting of new laws on union organization. Under this rubric, the SWTUF was restored, with its leadership unchanged, and its assets returned. Two other labor groups were also reinstated, and efforts were under way to legalize the remaining unions at the end of the year. Union officials were promised substantial participation in the process of developing new labor legislation.

Although the Government pledged to respect all labor rights required by the International Labor Organization (ILO), it continued to forbid strikes, as well as all labor activity by unreinstated unions. The doctors' union, which had not been reinstated, staged a nationwide strike in late November and early December to protest the firing of government-employed

physicians and to demand removal of the Omar Government and restoration of democracy. In December a special security court convicted two doctors of leading the strike. One was sentenced to death, the other to 15 years in prison. Reports also indicated that several members of the engineers union were detained in December to prevent a suspected strike.

b. The Right to Organize and Bargain Collectively

Under the 1985 transitional constitution, suspended on June 30, workers had the right to organize and to bargain collectively, and unions did so actively. There were no official constraints on union membership, and labor laws were applied uniformly throughout the country (although with little effect in the war areas). Job creation and union membership were limited primarily by Sudan's shattered economy.

On June 30 the RCC suspended the right to organize and bargain collectively. These rights were restored to legalized unions in September. Labor laws and practices are uniform throughout the territory controlled by the Government.

c. Prohibition of Forced or Compulsory Labor

Sudanese law strictly prohibits forced or compulsory labor. Allegations of slavery, however, persisted in Sudan in 1989, and the issue remained controversial. Although the Government frequently denies the existence of slavery, Prime Minister Sadiq al Mahdi acknowledged that Dinka children were enslaved by Arab tribes and claimed that Arab children were taken by Dinka tribes. He described the practice as a longstanding one, involving mutual raiding and taking of captives, but condemned it as "illegal" and "immoral." Slavery reportedly exists primarily in remote parts of Sudan, especially those where government control is weak and where displaced persons fleeing the war zones come into contact with armed groups. Informed sources suggest there could be many slaves in Sudan, largely women and children doing agricultural and domestic work and serving as concubines.

The revival of slavery is often blamed on economic pressures and the civil war, especially the practice of arming tribal militias. Most of the slaves allegedly are Dinkas abducted by Arab militias, especially the Rizeigat and Misseriyah. One report by a former army officer indicated that his entire family had been killed or taken into slavery after a Rizeigat attack on their village in 1987. Reports have also been received in the past of Dinka children sold into slavery by their parents to prevent their possible starvation.

Reports suggested that the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids, while in SPLA/M-controlled areas it was done through the SPLA/M-appointed village leader.

d. Minimum Age for Employment of Children

The legal minimum age for workers is 16. This law is enforced in the official or wage economy, but poverty in Sudan produces widespread child labor in the informal economy. In rural areas, children from a very young age assist their families with agricultural work.

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e. Acceptable Conditions of Work

Although Sudanese laws prescribe health and safety standards, working conditions are generally poor and enforcement of environmental standards is minimal. Unemployment and underemployment are major problems in Sudan, especially among young people. Even graduates of prestigious schools have difficulty finding employment after graduation.

Sudan limits the legal opportunities for employment for refugees to menial or marginally skilled jobs. Fortunate refugees find employment with an international organization, but most are forced to take jobs far below their training or abilities. Rural refugees often find work as field laborers, earning the equivalent of a few pennies a day. Urban refugees find employment as day laborers or domestic help. The lack of legal opportunities to earn a living wage forces many into illegal activities such as smuggling, black-marketeering, moonshining, and prostitution.

The workweek is currently limited to 6 days and 48 hours, with 1 day of rest on Friday. After the coup, the Omar Government announced it was considering adopting a 5-day workweek. Laborers receive an extra month's pay for each year's labor. Most workers are given allowances for transportation, and some receive housing allowances. Labor standards are enforced in the public and private official economies but not in rural areas or in the informal economy. The minimum wage remains at the 1988 level of $67 per month at the official exchange rate. This salary is far from sufficient for subsistence in urban areas, and workers often must rely on farming, second jobs, or help from the extended family. Salaries in private industry are generally higher than those in the public sector.

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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103, 112 and 113 of the
preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN RIGHTS
AND EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH
INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 3 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Afghanistan. I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 103, 112, and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

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* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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NEAR EAST, NORTH AFRICA, AND SOUTH ASIA

AFGHANISTAN*

The Peoples' Democratic Party of Afghanistan (PDPA) came to power in a coup in 1978 and imposed a totalitarian system backed by a Soviet invasion in 1979. Since its establishment, the regime has faced continuous armed opposition--supported by a large portion of the population. Unable to subdue the resistance of tens of thousands of armed "mujahidin" fighters, the Soviet Government began a 9-month troop withdrawal which was completed on February 15, 1989. The regime's control has been reduced to Kabul and other population centers, garrisons to protect them, and some lines of communication if the regime uses sufficient military force to protect them. While the regime has been able to stave off a final victory by mujahidin troops, it has been unable to expand its area of control. In February the regime declared a state of emergency and put political power in the hands of a 20-member Supreme Military Council for the Defense of the Homeland. Fighting between regime and resistance forces continued throughout 1989.

During its war of occupation, the Soviet Union employed massive air and artillery bombardments and emplaced millions of mines. The fighting generated over 5 million refugees, one-third of Afghanistan's prewar population. International observers estimate that over 1 million Afghans have died as a direct consequence of the war.

For its part, the resistance has sought to attain a greater degree of political unity and offer an alternate form of government while continuing its efforts to oust the Kabul regime. Disunity among resistance groups, however, has contributed to the regime's ability to survive. In February 1989, representatives of the major resistance parties formed the Afghan Interim Government (AIG) to oversee a transfer of power. Since its establishment, the AIG has been organizing its ministries and seeking to broaden its support, although by year's end much work remained to be done.

Internal security functions in regime-controlled areas are performed primarily by the secret police under the Ministry of State Security (WAD). More than 25,000 Afghans are thought to work for the Ministry, with Soviet security advisers.

The Afghan economy is basically agricultural, with land tenure in the hands of individuals or family/tribal groups. An entrepreneurial/trading class and some small scale manufacturing exist. Continued fighting through 1989 added to the already tremendous dislocation suffered by the economy in the war. As a result of war damage, as well as abandonment and neglect, the economic infrastructure will require years to recover.

There was little change in the human rights situation in 1989. On the one hand, the regime allowed a political group, the National Salvation Society, to form, and published a list, with profound apologies, of the names of 11,000 people executed during the first 20 months following the coup in

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*Since the American Embassy in Kabul was closed for security reasons in January 1989, the United States has no official observers in Afghanistan. This report therefore draws to a large extent on unofficial sources.

1978. On the other hand, the February state of emergency limited still further freedom of expression and public assembly and the right to privacy. Virtually all of the categories of human rights discussed in this report are denied outright or are severely restricted. The U.N.'s Special Rapporteur, in his report issued on October 30, 1989, sets the number of political prisoners at 3,000, with the conditions of prisoners awaiting trial or verdict described as deplorable.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Arbitrary killing and other acts of violence against suspected opponents of the Kabul regime were commonplace. Executions continued in Afghan prisons, often following summary trial and conviction--sometimes for political offenses--by special courts. Reportedly, regime forces and some mujahidin groups have executed prisoners in the field. The fierce fighting early in the year around the city of Jalalabad involved reported mujahidin executions of regime troops who had surrendered.

There have also been murders of Afghans both inside and outside Afghanistan which have been ascribed to mujahidin groups as well as to WAD agents.

b. Disappearance

Disappearances continued in areas under regime control. This is frequently the result of the impressment into military service of males as young as 13 years old. Some persons also disappear as a result of the action of mujahidin, who have been reported to have abducted or captured regime military and civilian cadre and suspected regime collaborators.

In its October report, Asia Watch cites five cases of disappearances of intellectuals and alleges that throughout the conflict the distribution of arms and aid has been an important factor in the conflict among resistance groups and that aid workers and intellectuals have been a frequent target of attack.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Regime authorities frequently use torture to punish or to extract information or confessions. The practice is sufficiently widespread to indicate that it has official sanction. Torture techniques include both physical and psychological abuse; the use of electric shock to sensitive areas of the body, immersion in water, and beatings are common forms of abuse reported by victims and witnesses. Threats of abuse against family members and prolonged sleep deprivation are typical forms of psychological torture. Some reports describe cases of mental disturbances induced by torture in regime prisons.

In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had continued to receive reports of the torture and ill-treatment of prisoners, although again, as noted in its 1988 report, on a smaller scale than in previous years.

AFGHANISTAN

d. Arbitrary Arrest, Detention, or Exile

There are no legal safeguards to prevent arbitrary arrest or detention. Afghans living in areas controlled by the regime face unwarranted seizure by security personnel. Often, detainees are either not told of the charges against them before trial or are simply not brought to trial. Arrest warrants are not issued, and the right to judicial determination of the legality of detention is not accorded. Detainees typically are held incommunicado, sometimes for years, as is the case with several hundred prisoners held in the WAD sections of Pol-e-Charkhi prison. Although bail is sometimes granted, it is not a standard feature of the regime's legal procedures. Formal charges may come only after months of interrogation.

There were continuing instances of arbitrary detention in 1989, principally as a result of the impressment of civilians into military service in Kabul and, to a lesser extent, in other cities controlled by the regime. The Kabul regime's military and secret police continue to impress large numbers of underage boys into the military, taking them from the street and sometimes from classrooms and homes. The authorities do not inform the parents of the young men of their impressment. Relatives of soldiers who desert are often arrested by the regime to punish the deserters and deter others from deserting. Since the Soviet departure, regime impressments have been stepped up.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All courts are controlled by the ruling PDPA, and defendants may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the ordinary criminal court system under the norms of judicial codes in existence before the PDPA coup of 1978. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism and are tried and sentenced in secret. As a rule, they must provide their own defense, without benefit of counsel.

Death sentences generally are carried out quickly after a perfunctory review by the authorities. There is no mechanism to appeal a death sentence. The U.N.'s Special Rapporteur for Afghanistan, in his report of October 30, 1989, notes this as a contradiction to Article 14(5) of the International Covenant on Civil and Political Rights, to which Afghanistan is a party. According to the 1987 Constitution, death sentences are carried out after the approval of the President. In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) and community elders under Islamic, or Shari'a, law and according to Afghan custom. Asia Watch reports that trials of Afghan prisoners by mujahidin parties during the war do not conform to internationally recognized standards of fair trial.

No precise estimate is available on the number of political prisoners held by the regime, but observers agree that it is at least 3,000. The mujahidin are not known to hold political prisoners, although they do detain Soviet and regime personnel for extended periods. An unknown number of Soviets, captured prior to the withdrawal, are still being held by the

resistance in the hope of exchanging them for prisoners held by the regime and, the resistance claims, by the U.S.S.R.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional protections were suspended by the February 17 declaration of a state of emergency. Afghans complain that regime forces routinely employ sweeps through residential areas and confiscate property, including homes. Telephones are frequently tapped and correspondence monitored.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Prior to its withdrawal in mid-February, the Soviet Union launched an intense campaign of bombardment along supply and evacuation routes as well as in areas where regime garrisons were hard pressed by resistance forces. These attacks caused large numbers of casualties indiscrimately among the civilian population. Following Soviet withdrawal, the Kabul regime continued high altitude bombing and began frequent launches of inaccurate yet powerful Scud surface-to-surface missiles. At least 1,000 Scuds were launched between February and late October, causing, together with bombings and artillery barrages, hundreds of additional civilian deaths and injuries. Regime and Soviet forces placed millions of landmines around fortifications or scattered them by artillery or aircraft during the Soviet occupation. More have been used by the regime since the Soviets left (and a lesser number of mines, especially antitank mines, have been sown by the mujahidin). Nothing has been done by the Soviets or the regime to remove them or help the U.N. accomplish the task. Although the U.N. has sponsored a program to detect and remove mines, the mines will pose a significant hazard to civilians for years.

Mujahidin rocket attacks against airfields and military positions under government control have also caused numerous civilian casualties. Asia Watch, in a report published in November, focused on allegations of human rights abuses perpetrated by various resistance groups, most frequently the Hezb-e-Islami of Gulbuddin Hekmatyar. These included politically motivated murders and kidnapings of Afghan refugee intellectuals, killing of prisoners, and indiscriminate attacks on government-controlled civilian targets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions regarding freedom of expression were suspended under the February 17 declaration of a state of emergency. The regime tolerates almost no criticism in the public media, and private criticism can result in detention and arrest. Afghans are guarded in their conversations lest antiregime comments be reported to the secret police. There is no academic freedom, leading to a continuing exodus of academics and intellectuals, and the educational infrastructure is seriously at risk. All media are owned and controlled by the regime and tightly supervised. The press, radio, and television are used exclusively to convey the regime's policy and interpretation of world events. The unlicensed import and sale of non-Soviet video and audio tapes, magazines, books, and posters are forbidden, although this ban is generally

ineffective. Western radio broadcasts in local languages are frequently jammed, although some programs do get through.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly and association in areas controlled by the regime. The February declaration of a state of emergency put further limits on constitutional rights to assemble. A 1987 party decree passed by the Revolutionary Council theoretically provided for the expression of political views at variance with those of the PDPA, but the party continues to set the bounds for acceptable dissent. While political demonstrations do occur, they are invariably staged by the Government. Attempts to hold unauthorized peaceful assemblies are dealt with forcefully. Large numbers of people from the upper and middle classes have fled the country because of severe restrictions on political and social activity.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population of Afghanistan is overwhelmingly Muslim. Although Sunnis predominate, with 80 to 90 percent of the population, there is an important Shi'a minority primarily concentrated in the Hazarajat region of central Afghanistan and, since the war began, in Kabul. Small enclaves of Hindus and Sikhs traditionally have lived peacefully alongside their Muslim neighbors.

Since the 1978 coup, the regime has sought, with marginal success, to supervise strictly all religious organizations. The regime's policy pronouncements, including statements by President Najibullah, routinely invoke religious terminology in what is seen by most Afghans as a cynical effort to appeal to the populace. The regime has made some effort to win support from Muslims through the construction and repair of mosques and religious schools. Within the last year, the regime has declared its dedication to Islamic ideals and does not interfere with the practice of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely restricted by wartime conditions. In 1988 the regime reportedly loosened its requirements and lowered the charge for obtaining a passport for foreign travel.

The large numbers of mines remaining from the Soviet occupation and additional mining by regime forces, since the Soviet withdrawal, of the principal overland routes and passes (as well as the smaller number of mines sown by the mujahidin) have caused a large number of casualties among the civilian population and creates serious risks for returning refugees who travel over these routes.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Afghan citizens have neither the right nor the ability peacefully to change their government. The regime-controlled areas of Afghanistan have a totalitarian government under the

control of the PDPA, which is kept in power by the Soviet Union. The ruling PDPA is modeled closely on the Soviet Communist Party. Under military pressure from the resistance, the PDPA has presented proposals for various ways to change the country's form of government, including creation of a coalition transition government. However, under these proposals, the PDPA would continue to hold the reins of real power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime's relationships with international humanitarian organizations investigating human rights practices in Afghanistan is now less obstructionist than in the past. The International Committee of the Red Cross (ICRC) was granted permission in 1988 to visit persons detained by the Government, and such visits are now taking place. The ICRC also continues to conduct a medical program in Kabul.

The U.N. Special Rapporteur on Afghanistan, Felix Ermacora, visited Kabul in September, at the invitation of the Government, to gather material for his fourth report on human rights in Afghanistan which he submitted in an interim form in October. His report covers a wide range of human rights abuses and issues on both sides and offers a series of recommendations. In its 1989 Report, covering 1988, AI noted that in April it had appealed to President Najibullah and to Soviet authorities to ensure that allegations of torture and extrajudicial executions would be fully investigated and that those found responsible be brought to justice; there was no indication that a response had been made.

Some mujahidin groups have permitted the ICRC and journalists sporadically to visit some Soviet and Afghan prisoners held by them. In June leaders of the Afghan Interim Government (AIG) met with a group of private citizens from the U.S.S.R., which included relatives of Soviet soldiers missing in action. During the year other private individuals and organizations met with AIG leaders on the prisoner-of-war (POW) issue. In November two Soviet POW's were released to their families and returned to the Soviet Union.

Section 5 Discrimination Based on Race, Sex, Religion, Language, and Social Status

In traditional Afghan society, the participation of women in activities beyond the home and field is limited by long established beliefs, customs, and religious practices. The social position of some women, generally those residing in Kabul, has improved somewhat over the past decade. The disruption of the war and diversion of large numbers of males to military service and combat have affected the lives of women living in areas controlled by both the regime and the resistance. Under the regime, the role of women in some nontraditional occupations such as banking, the media, and the civil service has expanded. Women have suffered because of social and ideological pressures in the refugee community in Pakistan. What little freedom they had before has been greatly circumscribed. Attitudes towards women's roles remain a subject of debate within the resistance, including assertions by some fundamentalist parties that there should be further restrictions on public appearances by women. But even among fundamentalists some change is detectable. One of the

fundamentalist parties, Gulbuddin Hekmatyar's Hezbi-e-Islami, has issued membership cards conferring voting rights on females. The Special Rapporteur noted in his report that a special matter of concern is the abduction and mistreatment of Afghan women.

Violence against women is known to occur in Afghanistan, but little is known about its extent. Abuse within the family is seldom mentioned publicly in this traditional society, and the regime does not acknowledge the existence of a problem. There are no official statistics on the subject.

Afghanistan is home to several religious sects and a number of ethnic, tribal, and linguistic groups whose relations to one another have traditionally been marked by rivalry and occasionally by hostilities, both within the regime and the resistance. Local loyalties often override those to the nation as a whole. A particularly strong line of cleavage along religious, ethnic, and geographic lines lies between the minority Shi'a and and the traditionally dominant Sunni Afghans. Internal regime politics reflect these rivalries, but the PDPA also tries to take advantage of them for its own purposes. This includes dispatching troops belonging to one ethnic group to other parts of the country where they are not normally present. This continues a longstanding practice--which predates the Communist takeover--aimed at making it easier to repress the local population and to prevent military defections, but it also heightens hostilities between groups and sparks frequent violence. Shi'a Muslim resistance groups are not represented in the seven-party resistance Alliance, in part because of traditional antipathy and discrimination on the part of Aghan Sunn'is toward their Shi'a countrymen.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the labor law (enacted in 1987) assert that individual workers have the right to form trade unions, and such unions are theoretically independent of state organs. In practice, however, the structure of union organization is modeled on that of the Soviet Union, individual unions are overseen by the Central Council of Trade Unions, an umbrella organization controlled by the ruling PDPA, and there is no evidence of worker participation in decisionmaking. There is no provision in law for the right to organize independent unions, and there is no right to strike. Workers have been threatened with loss of jobs or imprisonment for refusal to join party organizations. The Central Council of Trade Unions is affiliated with the Communist-controlled World Federation of Trade Unions. Afghanistan has been a member of the International Labor Organization (ILO) since 1934 but has ratified neither ILO convention 87 regarding Freedom of Association nor Convention 98 on Collective Bargaining.

b. The Right to Organize and Bargain Collectively

Within the constraints mentioned above, workers have the theoretical right to organize and bargain collectively. Acording to labor law, in large economic organizations at the end of each Afghan year, a new collective contract is signed following negotiations between the management and the councils of representatives of the trade union organizations at the primary level with the consensus of the workers' collective.

AFGHANISTAN

In practice, there is no genuine labor-management bargaining and the workers' collective rubber stamps decisions taken by officials. There has been some discussion about setting up labor courts and other mechanisms for the resolution of disputes, but no action has been taken.

There is no indication that there are any special economic or export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids the imposition of forced labor, but notes that the "performance of compulsory labor in wartime, natural calamity, and other states of emergency which threaten public life and order shall be excluded from this." Given that wartime conditions exist, and that the regime imposed a state of emergency in February, this constitutional provision is, in effect, superseded. The most frequent manifestation of the use of forced labor is the "voluntary" labor engaged in by students for short periods for construction projects during their annual vacations, during a time when they are seconded to the military.

d. Minimum Age for Employment of Children

The labor law specifies the conditions of work for adolescents, noting that persons aged 13 to 15 should work a maximum of 30 hours a week, and those aged 16 to 17 should not work more than 35 hours a week. The law also specifies that adolescents should receive the same pay as persons 18 and older.

e. Acceptable Conditions of Work

The labor law stipulates that the usual hours of work on average should not exceed 40 hours a week, and that on Thursdays working time should not exceed 5 hours. Provision is made for time off for prayers, meals, holidays, weekends, annual leave, sick leave, and emergency leave. No information on any statutory minimum wage is available. There are general provisions which set out the employer's responsibility to ensure healthy and safe conditions of work, and accident compensation. There appear to be no effective enforcement mechanisms to ensure fair and safe labor practices. The State Committee on Labor and Social Security is understaffed and, like most ministries and state committees of the current regime, not very active.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/21286
4 May 1990

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 637 (1989) of 27 July 1989, 644 (1989) of 7 November 1989, 650 (1990) of 27 March 1990 and 653 (1990) of 20 April 1990, as well as the statement made by the President of the Security Council on its behalf on 7 November 1989 (S/20952),

Recalling the initial agreement reached in Geneva on 4 April 1990 by the parties to the conflict in El Salvador, under the auspices of the Secretary-General,

1. Approves the report of the Secretary-General contained in document S/21274 and addendum 1;

2. Decides to extend, under its authority, the mandate of the United Nations Observer Group in Central America (ONUCA) as defined in resolutions 644 (1989), 650 (1990) and 653 (1990), for a further period of six months, that is until 7 November 1990, on the understanding as expressed by the Secretary-General in his report (S/21274), that ONUCA's tasks of monitoring the cease-fire and separation of forces in Nicaragua and demobilizing members of the Nicaraguan resistance will lapse with the completion of the demobilization process not later than 10 June 1990, and bearing in mind the need to continue to monitor expenditures carefully during this period of increasing demands on peace-keeping resources;

3. Welcomes the efforts of the Secretary-General to promote the achievement of a negotiated political solution to the conflict in El Salvador;

4. Requests the Secretary-General to keep the Security Council fully informed of further developments and to report on all aspects of ONUCA's operations before the expiry of the current mandate period and in particular to report to the Council not later than 10 June concerning the completion of the demobilization process.

90-11752 2298Z (E)

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UNITED
NATIONS

General Assembly Security Council

Distr.
GENERAL

~~A/45/267~~
S/21287
4 May 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103 and 113 of the
preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN RIGHTS
AND EFFECTIVE FUNCTIONING OF BODIES
ESTABLISHED PURSUANT TO SUCH
INSTRUMENTS
CRIME PREVENTION AND CRIMINAL JUSTICE
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 4 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Bahrain. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the text of the present letter and its annex be be issued as an official document of the General Assembly, under items 92, 103 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

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* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

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BAHRAIN

The extended family of the Al Khalifa has ruled Bahrain since the late 18th century and dominates its society and government. The Constitution confirms the Amir as hereditary ruler. The current Amir, Shaikh Isa bin Sulman Al Khalifa, governs Bahrain with the assistance of his brother, the Prime Minister; his son, the Crown Prince; and an appointed Cabinet of Ministers. The Government has suspended some provisions of Bahrain's 1973 Constitution, including those articles relating to the National Assembly which the Government disbanded in 1975. There are few judicial checks on the Amir and his Government.

Bahrain is one of the more heterogeneous societies in the Gulf, where social ties and interpersonal associations are formed in a complex web of family, tribal, economic, and religious affiliations. Bahrain is divided between the Shi'a and Sunni sects of Islam, with the Shi'a comprising over two-thirds of the indigenous population. There are important sectarian divisions among the Shi'a. Despite their numerical disadvantage, the Sunnis predominate because the ruling family, supported by powerful merchant families, is Sunni. Two clandestine fundamentalist political groups with links to Iran, drawing support from some Shi'a, and two underground, secular, leftist groups advocate violent political change. Recently, there has been a splintering of the latter, accompanied by an increase in fundamentalist rhetoric from those groups supported by Iran, the main source of anti-Bahrain subversion and terrorist actions.

The Ministry of Interior is responsible for public security. Under its auspices the police force and the Security and Intelligence Service (SIS), with approximately 8,000 to 10,000 employees combined, are responsible for maintaining internal order and preventing sectarian violence and terrorist actions.

Bahrain's leaders seek to foster the open social and commercial environment needed to attract international business, while protecting the ruling family's preeminence, preventing sectarian violence, and thwarting externally inspired subversion. Faced with limited oil resources, Bahrain has diversified its financial base, attracting companies doing business in financial services, petrochemicals, and light manufacturing. Bahrain has used its oil revenues to build an advanced infrastructure in transportation and telecommunications, and has become a leading regional financial center. The economy benefited from the region's economic boom in the 1970's and early 1980's, but suffered from the decline in oil prices beginning in 1986.

The human rights situation in Bahrain was basically unchanged in 1989, and civil liberties remain greatly restricted. Major human rights concerns include arbitrary detention and alleged abuse of detainees held on security grounds, lack of fair trials in security cases, and restrictions on freedom of speech and press, assembly and association, women's rights, and the right of citizens to change their government. Expatriate workers from developing countries tolerate limited trade union rights for fear of loss of employment and deportation.

BAHRAIN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political or other extrajudicial killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law, and there is no evidence of a policy of systematic physical mistreatment of criminal offenders. There were several unconfirmed reports in 1989 charging mistreatment and torture at the hands of the SIS. There are no reliable reports about what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are generally prohibited. In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had received new allegations of physical and psychological torture and ill-treatment of detainees, apparently to obtain confessions. It said that, in a number of cases, detainees were reportedly made to stand upright for many hours, were deprived of sleep for long periods, beaten or suspended, and threatened while detained incommunicado and in lengthy solitary confinement.

d. Arbitrary Arrest, Detention, or Exile

Political activity is strictly controlled by the security forces, and persons are sometimes detained and arrested arbitrarily on suspicion of antiregime activity. Activities that could lead, under provisions of the security law, to detention, questioning, warnings, or arrest include membership in subversive, illegal organizations; painting antiregime slogans on walls; joining antigovernment demonstrations; possessing or circulating antiregime writings; preaching sermons with an extreme fundamentalist or a radical political tone; or harboring or associating with persons committing such acts.

According to the State Security Act of 1974, persons may be detained for a period not to exceed 3 years. Detained persons have the right to appeal after a period of 3 months, and, if the appeal is denied, every 6 months thereafter from the date of the original detention. According to AI, some Shi'a were detained briefly before Shi'a religious occasions; others reportedly were detained after 'Ashoura (a Shi'a commemoration of the martyrdom of Husayn) or other religious gatherings at which antigovernment or anti-American political statements were made. In the past, detainees have sometimes been held incommunicado for lengthy periods, although family members can usually find out where the detainee is being held. Confessions following such detention are common. Persons imprisoned for political offenses are sometimes released on the condition that they immediately go into exile.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

A person arrested may be tried in either an ordinary criminal court or the Security Court. Civil trials provide procedural guarantees including open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Security cases, however, are tried directly by the Supreme Court of Appeal, sitting as the Security Court. Such trials are held in secret, there is no right to judicial review of the legality of arrests, and the court is exempted from adhering to the procedural guarantees of the penal code. All records pertaining to trials by the Security Court are regarded as state secrets. Sentences imposed by the Security Court can, at the discretion of the Court, be referred to the Amir for clemency.

The Bahrain Defense Force (BDF) maintains a separate court system for military personnel accused of offenses under the military code. These courts do not review cases involving civilian criminal or security offenses.

Some estimates indicate that fewer than 50 persons are now being held for political reasons. In its 1989 Report, AI estimated the number of political prisoners at well over 100. Among them were 14 alleged supporters of the banned Bahrain' National Liberation Front and 18 alleged supporters of the Islamic Enlightenment Society.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Interior Ministry can authorize entry into private premises without judicial authorization. Telephone calls and correspondence are subject to monitoring by the SIS. Police informer networks exist.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right "to express and propagate opinions," but in practice Bahrainis cannot freely challenge the legitimacy of the regime in speech or writing. Political meetings are not permitted; gatherings which might take on a political tone are monitored through informers. Criticism of government policies and programs in such areas as municipal services, unemployment, and education is tolerated and commonly seen in the press.

The Information Ministry exercises wide powers over the local media, and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers. In 1989 an Arabic-language daily was closed for 3 days for printing articles found to be insulting to Islam; the paper reported the lurid details of a divorce case, which the Minister of Justice had denied occurred. Bahrain is generally open to international media, but the Government does not condone unfavorable coverage of its domestic affairs; it is not uncommon for the Government to revoke the press credentials of foreign journalists. Since the Ministry of Information also sponsors the journalists' residency permits, such actions are tantamount to deportation.

The State owns all radio and television stations and blocks, as do all its Gulf neighbors, Iranian television broadcasts.

BAHRAIN

Only senior government officials may own and use satellite dishes. All newspapers are privately owned and exercise self-censorship in reporting on antiregime activities and in criticizing the Government. Former Information Ministry officials serve as editors of the two Arabic daily papers, which are regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Although the Constitution affirms the right of free assembly, public political demonstrations or meetings are prohibited. Professional organizations are permitted. The large number of social and sports clubs have traditionally served as forums for discreet political discussion. The Government monitors the activities of these organizations, which are generally small and limited in scope. Groups seeking to hold meetings in public places must obtain permits. Permits for religious ceremonies, including those of the Shi'a, are routinely granted.

For a discussion of freedom of association as it applies to trade unions, see Section 6.a.

c. Freedom of Religion

The population is overwhelmingly Muslim, and Islam is the state religion. Christians and other non-Muslims, including Jews, Hindus, and Baha'is, enjoy considerable freedom to practice their religion. Some maintain places of worship, but some small groups practice in their homes. Religious tracts of all Islamic sects and publications of other religions are readily available in bookstores.

Proselytizing is not encouraged, and anti-Islamic writings are prohibited. Both Sunni and Shi'a sects are subject to government control and monitoring, but there is no interference with routine worship or religious activities. Public religious events, most notably commemorative marches by the Shi'a, are permitted but are closely watched by the police. There appear to be no restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a shrines and holy sites in Iraq. However, religious study in and pilgrimages to Iran are strongly discouraged. Conversions from Islam to another religion are tolerated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country and change their place of residence or work. Passports can be denied on political grounds. Bahrainis living abroad who are suspected of political offenses may face imprisonment without public trial upon return to Bahrain. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. There are some Iranian emigres who have fled Iran since 1979 and have permission to remain in Bahrain, but they have not been granted citizenship. Travel to Iran, especially by Shi'a, is discouraged by the Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right or ability peacefully to change their government or their political system. With the abolition of the National Assembly, there are no formal

democratic institutions, and neither political parties nor opposition organizations are permitted. Bahrain is ruled by the Al Khalifa family, headed by the Amir. All government positions are appointive. About one-third of the cabinet ministers are Shi'a, although they do not hold key portfolios. The average Bahraini can attempt to influence government decisions only through the submission of written petitions and informal contact with senior officials, including appeals to the Amir at his regular public audiences.

Four clandestine political groups agitate for change in Bahrain. The Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, is almost exclusively militant Shi'a in its makeup. It calls for violent revolution. The Islamic Call Party advocates a relatively moderate form of populist Islam and demands reforms in the social and economic structure of Bahrain. Both have ties to Iran, call for the establishment of an Islamic Republic, and attract some support from the younger, disaffected Shi'a. Public displays of their activism have decreased. Two underground, secular leftist groups, the Popular Front for the Liberation of Bahrain and the pro-Soviet National Front for the Liberation of Bahrain, have ties with radical Arab regimes and Arab nationalist organizations. Their influence in Bahrain appears to have decreased in recent years.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No internal human rights organizations exist. No nongovernmental investigations occurred in 1989. AI notes in its 1989 report that it proposed in 1988 a follow-up visit to one it conducted in 1987 and that it provided recommendations for improvements in human rights practices. The Government did not respond.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Although there are notable exceptions, Sunni Muslims enjoy a more favored status in Bahrain than the Shi'a, who form approximately two-thirds of the population. Sunnis receive preference for employment in sensitive positions, including in the Bahraini Defense Force and the managerial ranks of the public sector. Statistics are unavailable, but Shi'a tend to be employed in lower paid, lesser skilled jobs. Social and municipal services in most Shi'a neighborhoods, particularly in rural villages, are markedly inferior to those found in Sunni urban communities. The Government has tried to remedy social discrimination, improve living conditions for the Shi'a, and encourage sectarian integration through the development of government-subsidized housing complexes, open to all Bahrainis on the basis of financial need.

Legal rights of concern to women are subject to Islamic law. Specific rights vary according to Shi'a or Sunni precedent, as determined by the person's faith. Bahraini women have the freedom to wear the clothing of their choice (a large percentage wear Western dress outside the home), to work outside the home, to drive a car without escorts, and to travel outside the country.

BAHRAIN

Islamic law (Shari'a) governs the legal rights of Bahraini women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the person's faith or the court in which various contracts have been made--as in the case of marriage. In distinction to Sunni women, Shi'a women do have the right to initiate a divorce and are, theoretically, equal to men in all other respects. Women of either sect may own and inherit property. Women may represent their own interests in all public and legal matters. According to Islamic tradition, a woman generally loses custody of her children after they reach the age of 7, but, in the case of proven incompetence on the husband's part, this is not applied. According to national custom, a non-Bahraini woman automatically loses custody of her children if she is married to, and divorces, a Bahraini man. Women can obtain passports without permission of a male head of the household and can exit the country without permission.

With the development of the Bahrain economy, women have increasingly taken jobs previously reserved for men. Women now constitute about 18 percent of the Bahraini work force. The Government has encouraged the hiring of women, has enacted special laws to promote female entry into the work force, and is itself a leading employer of women. Generally, women work outside the home during the years between secondary school or university and marriage. Women make up the majority of students at Bahrain's universities.

The status of women is a continuing subject of debate. There are women's organizations which have as a goal the betterment of the status of women under both civil and Islamic law. These organizations are supported by the Government.

There is little information available regarding violence against Bahraini women. More evidence exists regarding violence against expatriate women working in Bahrain as domestics. Cases of domestics beaten badly enough to require hospitalization have been reported to the police and in the newspapers. Although many victims of employer violence may fear dismissal and deportation, cases of successful complaints by employees abused by their sponsor are on record.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution recognizes the right of workers to organize, there are no trade unions, primarily because the Government actively discourages them. Strikes are not permitted. In response to labor unrest in the mid-1950's and in 1965 and 1974, the Government encouraged--and now closely controls--the formation of elected workers' committees in major companies. Since 1982, when the Government granted permission to form the first Joint Labor Management Consultative Committee (JCC), 12 JCC's have been established in the major industries. The JCC's represent close to 70 percent of the island's labor force. Nonindustrial expatriate workers, about 60 percent of the work force, are denied even these limited "rights." Bahrain has been a member of the International Labor Organization (ILO) since 1977 but has ratified neither ILO Convention 87 on Freedom of Association nor Convention 98 on Collective Bargaining.

BAHRAIN

b. The Right to Organize and Bargain Collectively

There are no collective bargaining units or contracts. As noted above, in 12 key industries employing significant numbers of Bahrainis, the Government has sanctioned the formation of Joint Consultative Committees comprised of representatives from management and employees. These JCC's are empowered to resolve labor disputes, organize workers' services, and discuss wages, working conditions, and raising productivity. But the workers have no independent, recognized vehicle for addressing these or other labor-related issues. Labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits the use of forced or compulsory labor. The press, however, regularly reports instances where private-sector employers compel expatriate workers from developing nations to perform work not specified in their contracts. Once a complaint has been lodged by a worker with a grievance, the Labor Ministry opens an investigation and often takes appropriate action.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 years. Juveniles between the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or at night and may not work over 6 hours per day or on a piecework basis. Child labor laws are enforced.

e. Acceptable Conditions of Work

Bahrain's labor law, enforced by the Ministry of Labor and Social Affairs, provides for acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week), and occupational safety and health. Minimum wage scales, which exist for both private and public sector employees, generally afford a decent standard of living for a worker and his family.

In practice, however, expatriate workers are seriously disadvantaged by the requirement that all foreigners must be sponsored by Bahrainis or Bahrain-based institutions and companies in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and thereby blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the potential for exploitation since foreign workers are often unwilling to report abuses of their rights for fear of forced repatriation. Instances of expatriate workers being denied their guaranteed holidays, days off, and vacations without compensation, have been reported by the English-language daily, which serves as an unofficial ombudsman for expatriate workers. In 1989 some expatriate housemaids charged their employers with sexual harassment.

The Government has initiated a plan to replace 20,000 expatriate workers in the private sector. The official unemployment rate in 1987 was 3.2 percent; however, a Ministry of Labor official announced in May 1989 that the indigenous unemployment rate was about 10 percent.

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BAHRAIN

Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are paid lower wages than their Bahraini counterparts. Westerners and Bahraini workers are paid comparable wages; women are generally paid less than men. However, women are entitled to 60 days of paid maternity leave and nursing periods during the day.

UNITED NATIONS

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General Assembly Security Council

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8 May 1990

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Forty-fifth session
Items 92, 94, 100, 103, 104 and 113 of the preliminary list*
EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 7 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Bangladesh (see annex). I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and its annex be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104 and 113 of the preliminary list, and of the Security Council.

(Signed) Ephraim DOWEK
Ambassador
Deputy Permanent Representative
and Chargé d'affaires a.i.

* A/45/50.

ANNEX*

101st Congress
2d Session | JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

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* Underlining has been added by the Chargé d'affaires of the Permanent Mission of Israel to the United Nations.

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BANGLADESH

The Bangladesh Constitution provides for a presidential form of government and a unicameral Parliament of 300 members. The President appoints the ministers, 20 percent of whom do not have to be members of Parliament. The Prime Minister, also appointed by the President, serves more as the leader of the parliamentary majority than as leader of the Government. H.M. Ershad, then the Army Chief of Staff, took power in 1982 in a bloodless coup and, after retiring from the military, was elected President in 1986 in elections boycotted by the major opposition parties.

The present Parliament, composed of 252 members from the President's Jatiyo Party and 48 members from smaller parties, was formed in elections held in March 1988 which were marred by the absence of major opposition parties, sporadic violence, low voter turnout, and fraudulent vote counts. Parliament held two sessions in 1989 and passed limited autonomy legislation for the three Chittagong Hill Tracts (CHT) districts and a Ninth Constitutional Amendment which provides for an elected Vice President and limits both the President's and Vice President's tenure to two consecutive 5-year terms. In view of continued questioning of the current Parliament's representative character, the Government has offered to hold midterm parliamentary elections, but the major opposition parties have refused to participate because they do not believe there can be free and fair elections under President Ershad.

The police and paramilitary forces, all of which are controlled by the Home Affairs Ministry, bear primary responsibility for maintaining internal security. Paramilitary forces include the Bangladesh Rifles (BDR), which guards the borders, the Bangladesh Ansars (a home guard which assists the police in maintaining law and order), and the Village Defense Parties (VDP), a uniformed but normally unarmed local militia. The army plays an internal security role in the CHT, where attacks by tribal insurgents against security forces, Bengali settlers, and other tribals continued in 1989. Tribals have accused security forces of participating in or instigating attacks by settlers. Despite these accusations, there were no confirmed reports in 1989 of retaliation by army troops in the area.

Bangladesh is one of the world's poorest and most densely populated countries. The Government's key programs aim at economic development through reduced population growth, increased crop yields, decentralization of administration, and development of the private sector. The economy recovered somewhat from the devastating floods of 1988, and below-normal rainfall prevented serious flooding in 1989.

Overall, there were no major changes in the human rights situation in 1989. The internally divided opposition's inability to remount its campaign to oust the present Government brought a year of relative political stability, with fewer reported instances of human rights abuses than in 1988. Municipal elections conducted during the year were relatively peaceful, as were local government council elections in June in the three CHT districts. However, a parliamentary by-election in September was marred by allegations of voting irregularities. Significant restrictions remained on the ability of citizens to change their government, freedom of the press, and a variety of

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women's rights, and there remained concerns regarding abuse of prisoners and detainees and arbitrary detentions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

While January elections in 80 of Bangladesh's 86 municipalities were relatively peaceful, sporadic violence resulted in at least 6 deaths and over 500 injuries, including injuries to a number of law enforcement officials. Police fired above the heads of crowds to disperse them, but apparently no fatalities were inflicted by law enforcement authorities. There was also violence on university campuses throughout the year as student wings of various political parties clashed repeatedly. These encounters often caused injuries and sometimes resulted in deaths.

For a discussion of killings related to the CHT insurgency, see Section 1.g.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions in 1989. As in the past, however, armed tribal insurgents in the CHT kidnaped a number of persons in raids on Bengali villages.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel, inhuman, or degrading punishment or treatment. Despite several allegations, there were no confirmed reports of such incidents in the CHT in 1989, but Amnesty International (AI) and local human rights groups continue to monitor this area and to encourage the Government to safeguard the rights of tribal people. In response to previous requests, the Government submitted a report to AI on several alleged instances of torture in the Hill Tracts dating from 1986.

Police treatment of accused criminals is usually rough and can include abusive interrogations and beatings. Reports of fatalities from such treatment are relatively rare; however, local human rights groups have begun increasingly to investigate individual cases and confirmed five such deaths in 1989. The Government has not interfered in such investigations. In its 1989 Report, covering 1988, AI noted that it had renewed reports of torture of criminal suspects in police custody, several of whom were alleged to have died as a result. Mistreatment of ordinary citizens frequently goes unpunished, but police and jail officials involved in mistreating prisoners are sometimes disciplined in cases where the victim or his family and friends can attract publicity or persuade human rights groups to investigate the allegations.

There are also occasional reports of abusive treatment of citizens by a variety of lower level government officials, party bosses, and labor leaders--who intimidate others through violence or threats of violence.

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d. Arbitrary Arrest, Detention, or Exile

Under the Special Powers Act of 1974 (SPA), the Government can detain an individual without charge for an initial period of 30 days to prevent the commission of "any prejudicial act" as defined in the legislation. The Government is obligated to charge the detainee formally by the end of this period or release him if it fails to file a charge. The individual can legally be held until completion of an investigation if the Government brings a charge. In practice, though not in the law, the detainee has 15 days to respond to the specific charge in writing to the Home Affairs Ministry, which can grant early release. Detentions under the SPA are not subject to judicial review until after 6 months, at which time a committee of three jurists examines the case to ascertain whether there is sufficient reason to continue the detention. Although the detainee is theoretically entitled to see a lawyer at the time he is detained, in practice a lawyer is generally not allowed to see the detainee until a specific charge has been filed.

Forty alleged activists in a Hindu separatist movement were detained under the SPA in the early part of 1989. Twenty-six remain incarcerated. Human rights activists fear that the SPA is increasingly used against political opponents in rural areas and to detain indefinitely suspected criminals against whom the Government has insufficient evidence for a formal charge. Human rights activists and some press accounts note that the Government often issues new detention orders against individuals as soon as the original detention has expired or been vacated by the courts.

The Government put the number of SPA detainees at 2,157 as of April 30, although human rights groups believe the actual figure is higher. Persons detained under the SPA are often subsequently charged under criminal statutes.

The right of a detainee to a judicial determination of the legality of his detention exists in local law. Bangladeshi legal and human rights organizations, however, continued to report cases of suspects who were arrested on minor charges but who remained in jail for long periods without trial. There were no reports of persons being exiled in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Supreme Court is generally considered independent, although pressure is sometimes brought to bear in political or security cases. Civilian courts hear civil and criminal cases in public trials, and the right of counsel is respected. Though generally considered fair, civil courts are overburdened and effectively available only to those who can afford representation. In addition, the time-consuming and expensive process of pursuing cases discourages many from seeking redress through the courts. There are few legal aid programs to assist litigants and no public defenders. Although the legal time limit for disposal of criminal cases is 240 days at the district level and 120 days at the magistrate level, a shortage of judges and a backlog of over 500,000 criminal and civil cases makes longer delays a common occurrence. The continuation of a 1-day-a-week boycott of the Supreme Court by barristers who oppose several court-related government decisions hampered the timely dispensation of

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justice even further. A relatively small number of the cases in the backlog involves detainees.

A Bangladeshi nonprofit human rights group, with funding from The Asia Foundation (TAF), has established a training program for new lawyers. A TAF training program for judges has to date trained 255 assistant judges and 45 midlevel judges, and TAF continues to support the legal outreach program of a local human rights group.

The Government claims to hold no political prisoners. Bangladesh human rights groups assert, however, that some persons detained under the SPA are actually political prisoners. Currently such groups do not maintain statistics on the number of political prisoners in the country, and estimates vary considerably.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable suspicion before issuing a warrant. However, the SPA permits authorities to search premises without a warrant under certain circumstances, and authorities have in the past entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The Government's civilian and military intelligence services are widely believed to monitor the opposition by such means as selective wiretaps and interception of mail.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Despite government efforts to address tribal grievances in 1989 through limited autonomy legislation for the CHT, the longstanding Shanti Bahini (Peace Force) insurgent movement remained active. This insurgency began in the early 1970's and has been sustained by the tribal people's fears that their traditional way of life and special status in the hill areas are being undermined by settlers from the overpopulated plains. During the past 4 years, government policy has discouraged settlement in the Hill Tracts. Some 300,000 ethnic Bengalis remain in the 3 hill districts along with approximately 500,000 tribals.

Due to restricted access to the Hill Tracts, the veracity of accusations of atrocities committed by the tribals or security forces cannot be confirmed. Shanti Bahini attacks on Bengali settlements, military personnel, and tribals, many of which resulted in deaths and destruction of property, continued in 1989 and escalated in late July following the June CHT local government council elections. Precise figures are not available, but the Government estimates that these attacks killed at least 300 persons by mid-September and drove more than 1,500 tribals to refugee camps in neighboring India. Others put the number of new refugees at a much higher level. A number of tribals alleged to be Shanti Bahini insurgents also died in clashes in 1989 with military personnel. In addition, between 16 and 36 tribals were killed and approximately 500 were injured in May when the alleged Shanti Bahini assassination of a county council chairman provoked reprisals by settlers against tribals. Although some sources charge that government security forces instigated the reprisals, or at least were slow to restore order, there is no

evidence of military complicity in the Bengali settlers' attacks on the tribals. In 1989 there was no confirmed evidence that the security forces disobeyed strict government orders to avoid reprisals against the tribal people and to prevent others from such retaliations. Complaints of human rights violations in the Hill Tracts continued to be far fewer than those received as recently as 1987, and despite Shanti Bahini threats to kill candidates and voters, June elections to fill seats on the newly created CHT district councils were for the most part peaceful. The Government offered amnesty to Shanti Bahini insurgents on two occasions in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression and freedom of the press, subject to "reasonable restrictions" in the interest of national security, international relations, and public order, decency, and morality. In practice, the Government has a variety of means to attempt to control the press, including formal and informal censorship, "guidance" from the Press Information Department, temporary closures of newspapers, and arrest or intimidation of journalists. The SPA allows the Government to ban domestic publications, to hold any newspaper employee responsible for the paper's content, and to compel journalists to reveal news sources. Most publications are heavily dependent upon advertisements from the Government or government-owned corporations; these advertisements reportedly account for as much as 75 percent of advertising revenues. Although all newspapers are theoretically eligible to receive public sector advertising if they meet minimum circulation requirements, publishers complain that the placing and withholding of advertising, as well as payment for it, are often used as a means of influencing the press.

In 1989 several Bengali-language weeklies--which tend to be censored more heavily than dailies--were banned for "objectionable" statements or commentary. A number of other publications banned between 1984 and 1988 remained closed in 1989. Bans on these newspapers have been in effect for varying lengths of time, with some appearing to be permanent.

The Government owns and operates all radio and television facilities. In the print media, it owns two Dhaka newspapers, including one English-language daily and one Rajshahi daily. The Government also owns BSS, the national news service. Two wire services, Eastern News Agency and the United News of Bangladesh, are privately owned.

Bangladesh has 74 dailies and 290 weeklies and periodicals. Three of the Dhaka English-language dailies and most Bengali-language periodicals and newspapers are privately owned and reflect the views of various political parties. All major newspapers report on both government and opposition activities, although coverage of the opposition is less extensive in the government-owned publications. Articles and editorials critical of the Government appear, but criticism of President Ershad, his family, or the armed forces is not tolerated. The weekly Robbar, banned in June 1988 for printing commentary critical of the President, remained closed in 1989, and hearings on a legal challenge filed by Robbar's publisher were repeatedly postponed.

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Three journalists were detained in 1989. The editor of the Bengali-language daily Shakti was arrested in June for publishing an "objectionable report." He was released on bail the following day. The chairman of Purabi and the editor of Runner, two Jessore dailies, were arrested and held for 3 days in September for publishing a "defamatory report" on the State Minister for Religious Affairs.

Opposition political parties also exert pressure on newspapers and magazines hostile to them in efforts to intimidate them. Tactics include anonymous threatening telephone calls and threats of arson.

Although 56 foreign publications (18 dailies and 38 periodicals) are generally available in Bangladesh, the Government has sometimes used the Customs Act of 1969 to prevent the importation of foreign publications critical of President Ershad. The Government invoked the Act in 1989 to ban one issue of the London-based weekly Natun Din for printing an "undesirable" article. The Government also banned the book "The Satanic Verses" and issues of foreign publications dealing with the controversy for a few weeks. No foreign journalists were arrested, barred from entry, or expelled in 1989. In June, foreign journalists were invited to cover the CHT district council elections under government escort.

The Government retains the authority to require drama groups to obtain certificates of approval to perform. No drama group in Dhaka bothers to apply for such authorization in practice, but the law is enforced outside the capital. Drama groups are required to submit scripts to the district commissioner, and actors who perform in unauthorized plays are theoretically subject to arrest.

The Government censors films primarily to ban pornography. All films from South Africa and Israel are prohibited.

Students are generally free to express a wide range of political opinion through campus organizations and publications, and opposition parties sometimes use student fronts to organize antigovernment demonstrations.

b. Freedom of Peaceful Assembly and Association

The Constitution assures every citizen the right to form associations, subject to "reasonable restrictions" in the interest of morality or public order. In practice, individuals are free to join private organizations and associations, and permits are usually not required for public meetings. There are no restrictions on affiliation with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Bangladesh, 87 percent of whose people are Muslims, has recognized Islam as its state religion since the passage in June 1988 of the Eighth Constitutional Amendment. This amendment also states that all other religions may be freely practiced. Although conversion is possible, there is strong social resistance to conversion from Islam. Members of religious minorities have also reported being questioned by

the security service about conversion activity. Proselytizing by Bangladeshi citizens, which is permitted by the Constitution, is mostly directed toward such minority groups as Hindus and tribal people.

Government policy continues to permit various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. Missionaries, including foreign clergy who serve expatriate congregations, are permitted but they may not proselytize Muslims. Some missionaries perceive the various bureaucratic obstacles they face, including lengthy delays in obtaining or renewing security clearances and residence visas, as intended to curb Christian influence by reducing the number of missionaries and limiting their humanitarian activities. Appeals to the Government have sometimes been successful in removing such obstacles.

Despite official assurances of freedom of religion and equality of treatment, the establishment of Islam as the state religion continued to cause concern in 1989 among the Hindu, Christian, and Buddhist minorities. Some minority group members complain that this constitutional change has emboldened Muslim fanatics and criminal elements hostile to the minorities. As in 1988, there were reports of harassment, robbery, vandalism, and encroachment on property owned by non-Muslims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladeshi citizens are free to move about within the country, except in designated areas of the CHT. Travel by foreigners is also restricted in the CHT and some other border areas. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls, but civil servants wishing to travel abroad must obtain permission from the Government. In some instances, persons considered to be security risks are barred from traveling abroad. One former minister was barred twice from leaving the country. Though the Government rarely hinders citizens wishing to return from abroad, in 1989 a Bangladeshi student was detained upon arrival in Dhaka from London, reportedly on the grounds that he had engaged in "anti-Bangladeshi activities." The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslims, known as Biharis or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these persons opted for Pakistani citizenship and Pakistan agreed to accept them, provided financing for resettlement costs was made available from outside sources. A Saudi Arabia-based social organization has been trying for several years to raise money for this purpose and claims that sufficient funds could be found if permission was granted for the Biharis to resettle. The main obstacle to resettlement is communal tensions and recurrent violence between Biharis already in Pakistan and other ethnic groups, which makes the addition of 250,000 more Biharis a politically difficult issue for the Government of Pakistan at this time. Anti-Bihari demonstrations in Pakistan delayed indefinitely a modest repatriation effort by the United Nations High Commissioner for Refugees (UNHCR) planned for January. This contributed to increased frustration in the Bihari community and prompted a

hunger strike and other demonstrations during the summer months.

The Biharis, most of whom still reside in 66 camps throughout Bangladesh, may seek employment and conduct other activities, but they face disadvantages as noncitizens. Biharis may apply for Bangladeshi citizenship at any time, and those who do so are granted full rights of citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The governing party's dominance of the electoral process and the fraud and violence which have characterized national elections in recent years raise serious doubts about the ability of Bangladeshi citizens to change their government peacefully and democratically. In addition, the political polarization between the Government and the opposition and internal divisions within the opposition continued to prevent agreement on the holding of parliamentary elections.

After assuming power in a bloodless military coup in 1982, Bangladesh's current leader, H.M. Ershad, assumed the presidency in December 1983. He was elected to the presidency in an election in 1986 which the major opposition groupings, including the Awami League/Eight Party Alliance, the Bangladesh Nationalist Party, and the Islamic fundamentalist Jamaat-E-Islami, boycotted.

Bangladesh's present Parliament was elected in March 1988 elections that were marred by a boycott by major opposition parties, sporadic violence, low voter turnout, and voting fraud. The Parliament passed most legislation by wide margins and with little debate.

The Constitution does not require new parliamentary elections before 1993. The Government has publicly stated its willingness to hold midterm parliamentary elections, but the major opposition parties have thus far refused to participate as long as President Ershad remains in power. The Government has met with human rights activists to discuss ways to hold free and fair elections; however, human rights observers, while welcoming such meetings as a positive step, remain doubtful of the Government's sincerity about ensuring the holding of such elections. In September the Government began updating its 1983 electoral rolls.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to international opinion regarding human rights issues. Although there were no visits to Bangladesh in 1989 by AI or similar groups, the Government made efforts to respond to outside inquiries by submitting reports to AI on its investigation into several allegations of mistreatment dating from 1986. The Government also shared with AI its findings on the settler reprisals which took place in Langdu in the CHT in May (described in Section 1.g.). In addition, the Government invited and provided facilities for members of the diplomatic community and foreign press who observed the CHT local government council elections in June. International human rights organizations represented in Bangladesh include the International League for Human Rights, The Law Association for Asia and the Western Pacific, and The

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International Commission of Jurists. There are also a number of local human rights organizations which monitor developments through their rural branches, investigate allegations of abuse, and seek to prosecute human rights violators. Human rights groups are also active in promoting awareness of human rights and the law among the country's largely uneducated rural majority. The Government generally does not hamper these groups' activities.

Bangladesh is an active member of the U.N. Commission on Human Rights. In August the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities dropped all cases against Bangladesh regarding alleged human rights abuses in the CHT and decided unanimously to "thank the Government of Bangladesh for its cooperation and express its satisfaction with the progress made in respect to the treatment of its tribal population."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By custom and Islamic tradition, women occupy a subordinate place in society and a family's ability to seclude its women is a symbol of middle or high social status. These underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high childbearing rates, and long hours of household and farm labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent upon their husbands and other male relatives. Except in the export-oriented garment industry, women are virtually absent from the cash-earning work force.

The daily press testifies to a pattern of domestic violence against women: murder, rape and other physical abuse, breach of matrimonial contract, denial of inheritance rights, and desertion. The suicide rate among women is reportedly almost three times higher than among men. Laws to protect women include the Anti-Dowry Prohibition Act of 1980; the Cruelty to Women Act of 1983; the Child Marriage Restraint Act of 1984; and the Illegal Trafficking of Women Act of 1988, but enforcement of these laws is lax. It is a capital offense to traffic in women, to kill a woman in the course of rape, or to murder a woman for dowry. Even so, dowry killings, in which the husband or his family attack and sometimes murder the bride for nonpayment of a supposedly promised dowry, are believed to occur frequently in rural areas. Although newspapers frequently print reports in which a husband accused of dowry killing is tried and punished, the vast majority of these cases are believed to go unreported. The recently created National Advisory Committee Against Repression of Women plans to set up local branches in rural areas to address the problems of abused women, but there is still little recourse for victims of crimes committed within the family or home.

Members of minority religious groups are disadvantaged in practice, though ~~not in the law, in their~~ access to government jobs and political office. In the years immediately following Bangladesh's independence, members of some minorities, principally Hindus, lost or had serious difficulty retaining their properties as a result of the prejudicial administration

of vested property laws. These laws permitted the Government to use or even sell property belonging to persons who left what is now Bangladesh between 1965 and 1971. Although the President in July reiterated a 1984 executive order requiring the return of such property to the original owners, some human rights activists contend that property is still occasionally seized under these laws.

Discrimination against the tribal people in the CHT with respect to property rights has been a persistent issue. Until 1985, tribal land, for which there is frequently no deed, was parceled out by authorities to Bengali Muslim settlers in the CHT. Tribal peoples' property rights were also violated by the issuance of false deeds, physical attacks, actions taken following the failure to meet mortgage payments, or confiscation by the army in areas where the tribal insurgency is active. There were no reports of such violations in 1989, and the Government's CHT local government councils legislation, which grants land allocation and regulation authority to elected, tribal-dominated district councils, affirmed the tribals' land rights. The legislation also gives the councils authority over local law enforcement, housing, health, and educational facilities. Even so, concern over these issues lingers among many of the hill people.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, subject to restrictions imposed by law. The Constitution also provides for the right to form labor unions, subject to governmental approval. Although the Government has the legal right to suspend unions, it took no such action in 1989.

Workers in trade associations or unions may draw up their own constitution and rules, elect officers, develop programs, and conduct business without government interference. There are no restrictions on joining confederations or affiliating with international organizations. However, union members need governmental clearance to travel to international labor meetings. No such clearances were withheld in 1989.

The right to strike is not specifically recognized in the law but is an accepted form of protest in Bangladesh. Numerous strikes were held in 1989. The Essential Services Ordinance of 1958 permits the Government to bar strikes for 3 months in any sector deemed "essential." Labor unions represent only 3 percent of the work force, a reflection of the low level of industrialization. Nevertheless, unions are powerful and important in such sectors as jute, tea, and transportation. There are several national labor centrals in Bangladesh. Most labor unions and federations are associated with a political party. The Workers-Employees United Council (SKOP), the largest trade union federation, is sympathetic to the opposition.

The Committee of Experts (COE) of the International Labor Organization in 1989 noted that Bangladesh's law contains a number of defects affecting freedom of association and collective bargaining rights, including restrictions as to the range of persons who can hold office in trade unions, wide-ranging supervisory powers vested in the registrar of trade unions, and a rule requiring that a union organize at

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least 30 percent of the workers in an establishment before it can be registered.

b. The Right to Organize and Bargain Collectively

By law, workers have a limited right to collective bargaining. Public sector employees cannot form unions or bargain collectively. There is no formal process of mediation. Except in the Chittagong Export Processing Zone, unions in the private sector can generally bargain collectively without government interference. The Government suspended union activity in the Chittagong Export Processing Zone in 1985 and the suspension remains in effect.

Workers have participatory rights in union business in theory, but both union leaders and employers often violate them in practice. Union leaders allegedly make decisions without first consulting members, and allegations have been lodged of irregularities in union elections. For their part, employers frequently ignore laws prohibiting antiunion discrimination, a practice which is particularly prevalent in the garment industry, where the work force is predominantly female. Employers have also been accused of harassing union leaders and of firing workers for union activities. Although laws against such practices exist, the difficulties of prosecuting a court case against an employer discourage union attempts to have them enforced.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. Although this prohibition is substantially respected, there have been unsubstantiated reports of bonded labor on some tea and rubber plantations. The Government actively seeks to prevent the trafficking of bonded laborers into other South Asian countries.

The COE in 1989 requested the Government to repeal a law of 1952 (which the Government said was no longer operable) making it a punishable offense for a government employee to terminate employment without the consent of the employer. The COE also asked the Government to correct a law dealing with the forcible conveyance of seamen on board ship to perform their duties.

d. Minimum Age for Employment of Children

The Employment of Children Act prohibits the offering of employment to any person under the age of 14, but the act is not enforced. Sanctioned by tradition and encouraged by dire economic necessity, child labor is a serious problem. Legal minimum ages for various types of employment, which range from 12 to 17, are seldom enforced, and the country's poverty is such that children are regularly engaged in all available jobs. There is no compulsory education. The Bureau of Labor Statistics estimated the number of child laborers at approximately 3 million in 1986. These children pedaled rickshaws, served as domestic servants, worked as helpers in transport services, carried loads at railway stations and river terminals, labored at construction sites, and were employed in great numbers in agriculture.

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e. Acceptable Conditions of Work

Regulations regarding minimum wage rates, hours of work, and occupational safety and health are not strictly enforced. Income levels, which average $1 to $2 per day with the minimum wage at approximately $.07 per hour, are not sufficient to sustain a decent standard of living. The Factories Act of 1965 and the Shops and Establishments Act of 1965 limit normal working hours to a maximum of 8 hours per day and 48 hours per week. With overtime, the workweek may not legally exceed 60 hours. Although the law stipulates that overtime work is to be compensated by double the hourly rate, overtime pay practices do not conform to these requirements. Safety equipment and precautions are largely unknown, and the small number of safety inspectors are frequently untrained and underpaid.